

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DEREK L. POWERS,

Plaintiff,

**MEMORANDUM AND ORDER**

- v -

CV-04-2246 (NGG)(VP)

CITY OF NEW YORK, et al.,

Defendants.

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Upon review of the proposed joint pretrial order submitted by counsel, the court finds that it fails to meet the requirements set out in Judge Garaufis' Individual Rules in that it does not contain the following:

1. "A brief summary by each party of the claims and defenses that party has asserted which remain to be tried, without recital of evidentiary matter, and including citations to all statutes relied on. Such summaries shall identify all claims and defenses previously asserted which are not to be tried." Individual Rules of Judge Nicholas G. Garaufis, ¶ V.A.4.
2. "A statement as to whether or not all parties have consented to trial of the case by a magistrate judge (without identifying which parties have or have not so consented)." *Id.*, ¶ V.A.6.

In addition it is not clear whether the schedule of exhibits in the proposed order meet Judge Garaufis' requirements. His rules require that, unless the exhibits are to be admitted by stipulation, the schedule must identify the party or parties offering each exhibit. In addition, if there are objections to the exhibits, the basis of the objections must be listed. In doing so, the parties should be aware of the following admonition in Judge Garaufis' rules:

The parties will list and briefly describe the basis for any objections that they have to the admissibility of any exhibits to be offered by any other party. Parties are expected to resolve before trial all issues of authenticity, chain of custody and related grounds. Meritless objections based on these grounds may result in the imposition of sanctions.

*Id.*, ¶ V.A.

The parties are directed to prepare and to submit via ECF a corrected proposed joint pretrial order that cures the above deficiencies within 20 days.

**SO ORDERED:**

*Viktor V. Pohorelsky*

VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated:                   Brooklyn, New York  
                          March 9, 2006